

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,
Plaintiff,

V.

FRANCOISE NGELE BUNDU,
Defendant.

Docket No.: 05-01076-JGD

DEFENDANT'S ASSENTED TO
MOTION TO MODIFY CONDITIONS OF PRETRIAL RELEASE

Now comes Defendant, Francoise Bundu, and hereby requests that this Court modify the conditions of her pretrial release to exclude home detention and electronic monitoring and require that Ms. Bundu report once weekly in person and once weekly by phone to Pretrial Services, as Pretrial Services shall direct. This motion is assented to by both the United States Attorney's Office and the Pretrial Services Department. In support of this motion, Defendant states as follows:

1. The Defendant stands charged via a criminal complaint of one count of international parental kidnapping in violation of 18 U.S.C. § 1204.
2. On May 3, 2005, the Court issued an Order Setting Conditions of Release, placing Defendant under home incarceration including electronic monitoring and granting her permission to leave for emergencies and court appearances.
3. On July 22, 2005, the Middlesex Probate and Family Court issued a temporary order granting Defendant legal and physical custody of her twin children, then 18 months old.

4. Pursuant to the Court's Order dated October 6, 2005, issued upon an assented to motion of Defendant submitted after the July 22 ruling, Defendant's pretrial release conditions were modified to include home detention between the hours of 8 p.m. and 6 a.m. and electronic monitoring.
5. The undersigned counsel has spoken to Christopher Wylie, Electronic Monitoring Specialist with Pretrial Services, who confirms that Defendant has complied with all release conditions imposed to date.
6. Since this issue was last reviewed, Defendant and her ex-husband settled their custody dispute. Pursuant to the terms of their agreement, the parties share legal custody and Defendant has physical custody of the children from Monday noon through Friday noon each week, excepting certain holidays and vacations.
7. The instant modification is sought to permit Defendant to leave her home on an emergency or short-notice basis should this be necessary for her to care for her children.
8. The United States, through Assistant U.S. Attorney Donald Cabell, assents to the requested modification.
9. Mr. Wylie also has assented to this requested modification.

WHEREFORE, Defendant respectfully requests that this Honorable Court modify the conditions of her pretrial release, requiring her to report once weekly in person and once weekly by telephone to Pretrial Services, in such manner as Pretrial Services shall designate.

Respectfully submitted,

/s/ Andrew C. Phelan
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Boston, MA 02110
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April 26, 2006

CERTIFICATE OF SERVICE

I, Andrew C. Phelan, hereby certify that on the 26th day of April, 2006, I served a true copy of the above documents upon the individual listed below by first class mail, postage pre-paid:

Donald L. Cabell
United States Attorney's Office
1 Courthouse Way
Boston, MA 02210

/s/ Andrew C. Phelan
Andrew C. Phelan